

Form and Correctness Approved:

By Daniel B. Hagemister
Office of the City Attorney

NORFOLK, VIRGINIA

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

GENERAL FUND/
VARIOUS FUNDS

Contents Approved:

By Marcus D. Jones
DEPT.

\$ 851,469,200.00
 Acting Director of Finance
 Account 5/14/04
 Date

ORDINANCE No. 41,408**R-6**

AN ORDINANCE APPROPRIATING FUNDS FOR OPERATION OF THE CITY FOR FISCAL YEAR 2004-2005; IMPOSING OR INCREASING CERTAIN TAXES OR FEES; AUTHORIZING A SUPPLEMENT TO RETIREES; AND REGULATING THE PAYMENT OF MONEY FROM THE CITY TREASURY.

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WHEREAS, the City Manager, has submitted to the Council a proposed annual budget for the City for the fiscal year beginning July 1, 2004 and ending June 30, 2005 which has been amended by the Council, and it is necessary to make appropriations sufficient to fund said budget and to regulate the payment of money from the City treasury; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- The amounts shown herein aggregating, Seven Hundred Million, Six Hundred Seven-Ten Thousand, Six Hundred Dollars (\$700,617,600) for the Operating Budget, Seventy-Two Million Four Hundred Fifteen Thousand Dollars (\$72,415,000), for the Water Utility Fund, Twenty-One Million Two Hundred Twelve Thousand, Seven Hundred Dollars (\$21,212,700), for the Wastewater Utility Fund, Seven Million, Three Hundred Ninety Three Thousand Dollars (\$7,393,000) for the Storm Water Utility Fund, Twenty Million, Nine Hundred Sixty-Five Thousand, One Hundred Dollars (\$20,965,100) for the Parking Facilities Fund, Two Million, Forty-Three Thousand, Eight Hundred Dollars (\$2,043,800),

for the Cemetery Services Fund, Five Million, Nine Hundred Forty-Six Thousand, Five Hundred Dollars (\$5,946,500), for the Emergency Operations Center Fund, One Million, Nineteen Thousand, Two Hundred Dollars (\$1,019,200), for the Golf Operations Fund, Four Million, Five Hundred Forty-Six Thousand, Four Hundred Dollars (\$4,546,400) for the National Maritime Center Fund, Four Million, Seven Hundred Eighty-Seven Thousand, Three Hundred Dollars (\$4,787,300) for the Public Amenities Fund, One Million, Four Hundred Six Thousand Dollars (\$1,406,000) for the Towing and Storage Service Fund, Nine Million, One Hundred Sixteen Thousand, Six Hundred Dollars (\$9,116,600) for the Internal Services Fund, or so much thereof as may be necessary, as set forth in annual budget for the fiscal year July 1, 2004 - June 30, 2005, submitted by the City Manager and as amended by the Council and hereby adopted, are hereby appropriated, subject to the conditions hereinafter set forth in this ordinance, from the revenues of the City from all sources for the fiscal year July 1, 2004 - June 30, 2005, for the use of the several departments and funds established within the City Government, and for the purposes hereinafter set forth in said annual budget for the fiscal year July 1, 2004 - June 30, 2005 as follows:

Legislative	3,480,600
Executive	1,810,600
Department of Law	3,223,400
Constitutional Officers	4,846,300
Finance	2,930,300
Department of Human Resources	3,228,700
Courts and Court Support	8,071,800
Sheriff and Detention	29,542,100
Department of Public Health	5,521,500
Department of Human Services	63,363,600
Department of Public Works	33,346,200
Neighborhood & Leisure Services	15,887,200
Education	283,351,800
Department of Libraries	6,545,900
Elections	547,600
Department of Planning	4,632,500
Department of Civic Facilities	5,733,500
Non-Departmental Appropriations	17,426,000

Outside Agencies	24,796,900
Department of Police	54,458,100
Department of Fire-Rescue	32,900,200
Virginia Zoological Park	3,230,500
Debt Service	63,389,900
Department of Facilities & Enterprise Management	14,097,800
Budget & Management	644,100
Economic Development	1,933,900
Intergovernmental Programs	534,100
Communications & Public Relations	1,434,600
Department of Information Technology	9,272,600
Radio and Electronics	435,300
Total Appropriations - Operating Budget	\$700,617,600

Water Utility Fund	\$72,415,000
Total Appropriations - Water Utility Fund	\$72,415,000
Wastewater Utility Fund	\$21,212,700
Total Appropriation - Wastewater Utility Fund	\$21,212,700
Storm Water Utility Fund	\$7,393,000
Total Appropriations- Storm Water Utility Fund	\$7,393,000
Internal Service Funds	\$9,116,600
Total Appropriations- Internal Services Fund	\$9,116,600
Parking Facilities Fund	\$20,965,100
Total Appropriations - Parking Facilities Fund	\$20,965,100
Cemetery Services Fund	\$2,043,800
Total Appropriations - Cemetery Services Fund	\$2,043,800
Emergency Operations Center Fund	\$5,946,500
Total Appropriations - Emergency Operations Center Fund	\$5,946,500
Golf Operations Fund	\$1,019,200
Total Appropriations - Golf Operations Fund	\$1,019,200

National Maritime Center Fund	\$4,546,400
Total Appropriations - National Maritime Center Fund	\$4,546,400
Public Amenities Fund	\$4,787,300
Total Appropriations - Public Amenities Fund	\$4,787,300
Towing and Storage Services Fund	\$1,406,000
Total Appropriations - Towing and Storage Services Fund	\$1,406,000

Section 2:- Unless otherwise specified by Council, all taxes heretofore levied shall continue from year to year.

Section 3:- The salaries and wages set forth in detail in said annual budget, including the City Manager, as amended, for offices and positions which are not embraced within said compensation plan are hereby authorized.

The positions, except where the number thereof is not under the control of the Council, set forth in said annual budget, as amended, shall be the maximum number of positions authorized for the various departments, division, bureaus and funds of the City during the fiscal year July 1, 2004 - June 30, 2005 and the number thereof shall not be changed during said fiscal year unless authorized by the Council or City Manager pursuant to the Charter of the City of Norfolk and the City Code.

Changes in personnel occurring during said fiscal year in classifications embraced within the City's compensation plans shall be administered by the City Manager in accordance with the regulations for the administration of the plans.

In the event any personnel authorized in the preceding year's annual budget and appropriations are notified of release due to a reduction in force, reorganizations or work force downsizing or the staffing and organization redesign effort, such

positions are hereby authorized to continue in existence until such time as adopted procedures relating to reductions in force or work force downsizing, or the staffing and organizational redesign effort are completed and implemented in accordance with its terms and conditions. The City Manager is hereby authorized to continue all benefits and salaries throughout the period of employment from appropriated funds for the positions aforesaid, notwithstanding that said positions may or may not have been deleted in the departmental budget for the fiscal year 2004-2005.

The Council reserves the right to change at any time during said fiscal year the compensation, including pay supplements for constitutional officers, either before or after a change in basic salary is made by the State Compensation Board, and to abolish any office or position provided for in said annual budget, as amended, except such offices or positions as it may be prohibited by law from abolishing. The City Manager is authorized to make such rearrangements and reorganizations of positions and personnel services funds between the several departments, including funds named therein, as may best meet the uses and interests of the City.

No person shall acquire any vested interest in any supplement payable under this section beyond those actually paid.

Section 4:- That all payments from the appropriations provided for in this ordinance, including those from balances remaining on June 30, 2004, to the credit of appropriations for works, improvements or other objects which have not been completed or abandoned, except those works, improvements or other objects funded by Federal, State, or other organizational grants which are hereby encumbered, shall be made at such time as the City Manager may direct, unless otherwise specified by the Council. The City Manager is hereby authorized to apply for grants and awards during the fiscal year provided that adequate matching funds are in the budget; all such grants are subject to the appropriation of the Council once awarded. Any

associated special project or grant funded positions shall also be approved by the City Manager, subject to ratification by the Council.

Section 5:- That within the several departments, funds and activities, there are hereby appropriated sufficient amounts to cover the operation of all Internal Service Funds, including the Storehouse and Fleet Management. Charges for services assessed against said departments, funds and activities by the Internal Service Funds shall be accumulated in the appropriate internal service fund and expended to cover the operating costs of such funds as provided in the annual budget.

Section 6:- That the various amounts appropriated by this ordinance for the several groups, as set forth in said annual budget, as amended, are to be expended for the purposes designated by said groups, provided, however, that the City Manager or a designee may authorize the transfers between account groups within the same department, fund or activity of the City and a record of such transfers shall be maintained by the Director of Finance.

The City Manager is authorized to transfer from any department, fund or activity which has an excess of funds appropriated for its use of the balance of the fiscal year to any department, activity or fund all or any part of such excess, or to cause such transfers to be made; a record of all such transfers shall be maintained by the Director of Finance.

The City Manger shall provide to the City Council a mid-year budget update. Such mid-year budget update shall report the projected revenues and expenditures estimates for the entire fiscal year, receipt of unbudgeted revenues and other major changes to the adopted budget.

There is hereby authorized, in accordance with guidelines established by the City Manger, the execution of warrants for the disbursement of any cash in banks credited to the City's Corporate Account to meet any properly authorized and approved payment chargeable to any account of the City.

Section 7:- That subsection (2) of Section 37-81 of the Norfolk City Code, 1979, is hereby amended and reordained so as to read as follows:

- (2) Beginning on July 1, 2004, in addition to the supplements provided above, an additional supplement of one and a half percent (1.5%) shall be payable by the system to those retirees and their beneficiaries who were receiving city retirement payments as of December 31, 2002. The additional supplement shall be calculated by multiplying one and a half percent (1.5%) by the recipient's total benefit (base pension plus previous supplements, plus monthly adjustment). The right to receive this additional supplement shall hereby vest in the eligible recipients and their beneficiaries. Notwithstanding any provision to the contrary, the additional supplement shall be subject to the same terms and conditions as for the payment of the pension.

Section 8:- That subsection (a) of Section 24-215.1 of the Norfolk City Code, 1979, is hereby amended and reordained so as to read as follows:

- (a) There is hereby levied a tax of thirty-five dollars forty cents (\$35.40) per year, payable at a rate of two dollars ninety-five cents (\$2.95) per month, and imposed on each consumer for each telephone line serving such consumer, excluding federal, state, and local government agencies, of telephone service or services provided by any corporation providing telephone services in the city. The tax shall be payable each month and added to the monthly statements tendered for telephone service in an amount equal to two dollars ninety-five cents (\$2.95) per line serving each such customer of telephone service or services and shall

be paid to the company tendering the statement; the telephone company shall make remittance of the taxes collected by virtue of enactment of this section simultaneously with the remittance of the utility tax collected by such telephone company.

Section 9:- That subsection (a) of Section 41-21 of the Norfolk City Code, 1979, is hereby amended and reordained so as to read as follows:

- (a) One hundred twenty-eight dollars and ninety-six cents (\$128.96) per year for each single-family dwelling unit or dwelling units in multiple residences not exceeding four (4) families or dwelling units.

Section 10:- That Sections 12-266 - 12-269 and Sections 12-290.1, 12-290.3 and 12-290.4 of the Norfolk City Code, 1979, are hereby amended and reordained so as to read as follows:

Sec. 12-266. Charges for grave openings and closings--Mausoleum burials.

The charges for opening and closing graves for mausoleum burials in the city cemeteries shall be as follows:

- (1) Regular crypt--Public mausoleum--Monday through Friday, 8:30 a.m. to 4:00 p.m.: the fee shall be \$350.00.
- (2) Ash crypt--Public mausoleum--Monday through Friday, 8:30 a.m. to 4:00 p.m.: the fee shall be \$330.00.
- (3) Servicing burial--Private mausoleum--Monday through Friday, 8:30 a.m. to 4:00 p.m.: the fee shall be \$320.00.
- (4) Regular crypt--Public mausoleum--Monday through Friday, 4:00 p.m. to 5:00 p.m.,

Saturday 9:00 a.m. to 2:00 p.m.: the fee shall be \$475.00.

- (5) Ash crypt--Public mausoleum--Monday through Friday, 4:00 p.m. to 5:00 p.m., Saturday 9:00 a.m. to 2:00 p.m.: the fee shall be \$385.00.
- (6) Servicing burial--Private mausoleum--Monday through Friday, 4:00 p.m. to 5:00 p.m., Saturday 9:00 a.m. to 2:00 p.m.: the fee shall be \$440.00.
- (7) Regular crypt--Public mausoleum--Saturday 2:00 p.m. to 5:00 p.m., Sunday and holidays: the fee shall be \$575.00.
- (8) Ash crypt--Public mausoleum--Saturday 2:00 p.m. to 5:00 p.m., Sunday and holidays: the fee shall be \$440.00.
- (9) Servicing burials--Private mausoleum--Saturday 2:00 p.m. to 5:00 p.m., Sunday and holidays: the fee shall be \$570.00.

Sec. 12-267. Same--Ground burials.

The charges for opening and closing graves for ground burials in the city cemeteries shall be as follows:

- (1) Adult grave--Monday through Friday, 8:30 a.m. to 4:00 p.m.: the fee shall be \$750.00.
- (2) Child under 12 years--Monday through Friday, 8:30 a.m. to 4:00 p.m.: the fee shall be \$235.00. For a child 12 years or over, adult prices shall be charged.
- (3) Ash opening--Monday through Friday, 8:30 a.m. to 4:00 p.m.: the fee shall be \$315.00.
- (4) Adult grave--Monday through Friday, 4:00 p.m. to 5:00 p.m., Saturday 9:00

a.m. to 2:00 p.m.: the fee shall be \$925.00.

- (5) Child under 12 years--Monday through Friday, 4:00 p.m. to 5:00 p.m., Saturday 9:00 a.m. to 2:00 p.m.: the fee shall be \$295.00.
- (6) Ash opening--Monday through Friday, 4:00 p.m. to 5:00 p.m., Saturday 9:00 a.m. to 2:00 p.m.: the fee shall be \$420.00.
- (7) Adult grave--Saturday 2:00 p.m. to 5:00 p.m., Sunday and holidays: the fee shall be \$1,050.00.
- (8) Child under 12 years--Saturday 2:00 p.m. to 5:00 p.m., Sunday and holidays: the fee shall be \$345.00.
- (9) Ash opening--Saturday 2:00 p.m. to 5:00 p.m., Sunday and holidays: the fee shall be \$470.00.

Sec. 12-268. Charges for disinterments--
Mausoleums.

The charges for mausoleum disinterments at city cemeteries shall be as follows:

- (1) Regular crypt--Public mausoleum: \$575.00.
- (2) Ash crypt--Public mausoleum: \$440.00.

Sec. 12-269. Same--Ground.

The charges for ground disinterments at city cemeteries shall be as follows:

- (1) Adult: \$1,050.00.

(2) Child under 12 years: \$345.00. For a child 12 years or over adult prices shall be charged.

(3) Ashes: \$470.00.

Sec. 12-290.1. Prices for adult graves in city cemeteries.

Except as otherwise provided, the price of adult graves in Cedar Grove Cemetery, Elmwood Cemetery, Calvary Cemetery, Calvary Annex Cemetery, Hebrew Cemetery, West Point Cemetery and Riverside Memorial Park shall be Nine Hundred Thirty Dollars (\$930.00) per grave for graves requiring flush, ground level markers and one thousand fifty dollars (\$1,050.00) per grave for graves permitting upright markers. Except as otherwise provided, the price for adult graves in Forest Lawn Cemetery shall be one thousand dollars (\$1,000.00) per grave for graves requiring flush, ground level markers and one thousand one hundred fifty dollars (\$1,150.00) per grave for graves permitting upright markers.

Sec. 12-290.3. Special prices--Forest Lawn Cemetery.

Notwithstanding the provisions of section 12-290.1, the following prices shall be charged for lots and graves in Forest Lawn Cemetery:

(1) Lots 1 through 40 Pine Gardens III; Lots 344-369 Fir II; Lot 458, Lots 467 through 483, Lots 505 and 506, and Lots 529 through 571 Center Park North: \$1,200.00 per grave.

(2) Lots 393 through 410 in Block B and lots 397 through 414 in Block C of Tree of Life IV; lots 427 through 437 Pine Gardens III; lots 713 through 720 Fir Lawn II: \$2,000.00 per grave.

- (3) Lots 331 through 382 Fir II; lots 41 through 80 Pine Gardens III; lots 1 through 58 David's Garden III; lots 450 through 457, lots 459 through 466, lots 484 through 504 and lots 507 through 528 Center Park North: \$1,300.00 per grave.
- (4) Mausoleum sites: \$20.00 per square foot.
- (5) Ash niches: Holly Circle - \$1,380.00.

Sec. 12-290.4. Special prices--Magnolia Cemetery.

Notwithstanding the provisions of section 12-290.1, the following prices shall be charged for lots and graves in Magnolia Cemetery: \$1,050.00.

Section 11:- That Sections 13-60 - 13-65.1 of the Norfolk City Code, 1979, are hereby amended and reordained, repealing Section 13-65 and adding one new Section designated as 13-65.2 such sections to read as follows:

Sec. 13-60. Rental rates prescribed--SCOPE Arena.

- (a) Generally. For rental of the SCOPE Arena, the lessee shall pay one of the rates set out in this section.
- (b) Ticketed events. The rental rate for ticketed events (events subject to the city admissions tax) shall be nine (9) percent of the gross receipts, excluding taxes, but not less than five thousand dollars (\$5,000.00) except for co-promotion agreements under section 13-6.
- (c) Nonticketed events. The rental rate for nonticketed events shall be five thousand dollars (\$5,000.00) per day.

- (d) Conventions. The rental rate for conventions shall be two thousand five hundred dollars (\$2,500.00) per day.
- (e) Overtime rates. Hourly overtime rates for use which extends beyond the contract period shall be one thousand dollars (\$1,000.00) per hour.

Sec. 13-61. Same--Chrysler Hall.

- (a) Generally. For rental of Chrysler Hall, the lessee shall pay one of the rates set out in this section.
- (b) Ticketed events. The rental rate for ticketed events (events subject to the city admissions tax) shall be two thousand five hundred dollars (\$2,500.00) or nine (9) percent of the gross receipts, excluding taxes, whichever is greater.
- (c) Nonticketed events. The rental rate for nonticketed events shall be two thousand five hundred dollars (\$2,500.00) per day.
- (d) Conventions. The rental rate for conventions shall be one thousand two hundred fifty dollars (\$1,250.00) per day.
- (e) Overtime rates. Hourly overtime rates for use which extends beyond the contracted period shall be five hundred dollars (\$500.00) per hour.
- (f) Lower lobby use. The lower lobby use rate shall be five hundred dollars (\$500.00) per use.
- (g) Dress circle use. The dress circle use rate shall be one thousand dollars (\$1,000.00) per use.

Sec. 13-62. Same--Little Hall.

The rental rate for all events in Little Hall, except rehearsals, shall be two hundred dollars (\$200.00) per day or 9% of gross receipts, excluding taxes whichever is greater. The rental rate for rehearsals shall be one hundred dollars (\$100.00) per day.

Sec. 13-63. Same--Exhibition hall and meeting rooms.

(a) Daily rate for exhibit hall and areas. The daily rental rate for the exhibit hall and exhibit areas shall be as follows:

- (1) Exhibit hall, including exhibition hall lobby: \$2,500.00. If ticketed event, two thousand five hundred (\$2,500.00) vs. 9% of gross receipts, excluding taxes, whichever is greater.
- (2) Exhibit area "A": \$600.00.
- (3) Exhibit area "B": \$600.00.
- (4) Exhibit area "C": \$800.00.
- (5) Exhibit area "D": \$1,000.00.
- (6) Exhibition hall lobby: \$250.00.

(b) Daily rate for meeting rooms. The daily rental rate for meeting rooms shall be as follows:

- (1) M-1: \$150.00.
- (2) M-2: \$200.00.
- (3) M-3: \$250.00.
- (4) M-4: \$300.00.
- (5) All Meeting Rooms: \$600.00/per event day.

Sec. 13-64. Same--Harrison Opera House.

- (a) Generally. For rental of Harrison Opera House, the lessee shall pay one of the rates set out in this section.
- (b) Ticketed events. The rental rate for ticketed events (events subject to the city admissions tax) shall be one thousand five hundred dollars (\$1,500.00) or nine (9) percent of the gross receipts, excluding taxes, whichever is greater.
- (c) Nonticketed events. The rental rate for nonticketed events shall be one thousand five hundred dollars (\$1,500.00) per day.
- (d) Overtime rates. Hourly overtime rates for use which extends beyond the contracted period shall be three hundred dollars (\$300.00) per hour.
- (e) Lower lobby use. The lower lobby use rate shall be seven hundred fifty dollars (\$750.00) per day.
- (f) Upper lobby use. The upper lobby use rate shall be one thousand dollars (\$1,000.00) per day.

Sec. 13-64.1. Same--Wells Theatre.

- (a) Generally. For rental of the Wells Theatre, the lessee shall pay one of the rates set out in this section.
- (b) Ticketed events. The rental rate for ticketed events (events subject to the city admissions tax) shall be six hundred fifty dollars (\$650.00) or nine (9) percent of the gross receipts, excluding taxes, whichever is greater.

- (c) Nonticketed events. The rental rate for nonticketed events shall be six hundred fifty dollars (\$650.00) per day.
- (d) Overtime rates. Hourly overtime rates for use which extends beyond the contracted period shall be one hundred thirty dollars (\$130.00) per hour.
- (e) Lobby use. The lobby use rate shall be two hundred dollars (\$200.00) per use.

Sec. 13-65.1. Same--Harbor Park.

- (a) High school sports. For high school sports, for each event, five hundred dollars (\$500.00) or ten (10) percent of gross receipts from all activities, excluding city admissions taxes, whichever is greater.
- (b) Other uses. For all other uses, five thousand dollars (\$5,000.00) for each rental period or ten (10) percent of gross receipts, excluding city admissions tax, whichever is greater.
- (c) Nonticketed. The rental rate for nonticketed events shall be five thousand dollars (\$5,000.00) per day.
- (d) Conventions. The rental rate for conventions shall be two thousand five hundred dollars (\$2,500.00) per day.
- (e) Overtime rates. Hourly overtime rates for use of Harbor Park which extends beyond the contracted period shall be one thousand dollars (\$1,000.00) per hour.

Sec. 13-65.2. Same--Attucks Theater.

- (a) Ticketed uses. For all ticketed uses, seven hundred fifty dollars (\$750.00) for each rental period or nine (9)

percent of gross receipts, excluding city admissions tax, whichever is greater.

- (b) Nonticketed. The rental rate for nonticketed events shall be seven hundred fifty dollars (\$750.00) per day.
- (c) Lobby use. The lobby use rate shall be two hundred fifty dollars (\$250.00) per use.
- (d) Lower and upper meeting rooms. The rate for lower and upper meeting rooms shall be one hundred dollars (\$100.00) per use.

Section 12:- That the Clerks of the Norfolk Circuit Court, General District Court and Juvenile and Domestic Relations Court are hereby authorized to collect a fee of \$1.00 from each defendant convicted of a felony, misdemeanor or traffic charge written under either the City Code or the Virginia Code to be used to support the Norfolk Police Academy and Training Division as permitted by state law. This fee shall be referred to as the "Local Academy Court Cost."

Section 13:- That the provisions of this ordinance are hereby declared to be severable. If any part, section, provision, sentence, clause or phrase, or the application thereof to any person or circumstance, is adjudged to be unconstitutional or invalid for any reason, the remainder of the ordinance shall remain in full force and effect and its validity shall not be impaired, it being the legislative intent now hereby declared that the ordinance would have been adopted even if such invalid matter had not been included or if such invalid application had not been made.

Section 14:- That is ordinance shall be in effect from and after July 1, 2004.

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